

MONTANA LEGISLATIVE HISTORY

Chapter 143 19 95

Bill H _____ S 94 Original bill & history ☒ c

H. Committee on State Administration

Hearing Date(s) Feb 06 ☒ c

Feb 10 ☒ c

_____ ☐ c

_____ ☐ c

Date Out _____ ☐ c

S. Committee on State Administration

Hearing Date(s) Jan 12 ☒ c

Jan 25 ☒ c

_____ ☐ c

_____ ☐ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SB 94 INTRODUCED BY L. NELSON, ET AL.
CLARIFY LAWS GOVERNING WRITE-IN CANDIDATES

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO STATE ADMINISTRATION		
1/17	HEARING		
1/26	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/27	2ND READING PASSED	49	1
1/28	3RD READING PASSED	43	2
	TRANSMITTED TO HOUSE		
1/30	FIRST READING		
1/30	REFERRED TO STATE ADMINISTRATION		
2/06	HEARING		
2/22	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/01	2ND READING CONCURRED AS AMENDED	97	0
3/03	3RD READING CONCURRED	99	0
	RETURNED TO SENATE WITH AMENDMENTS		
3/07	2ND READING AMENDMENTS CONCURRED	49	0
3/08	3RD READING AMENDMENTS CONCURRED	48	0
3/09	SIGNED BY PRESIDENT		
3/11	SIGNED BY SPEAKER		
3/13	TRANSMITTED TO GOVERNOR		
3/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 143		
	EFFECTIVE DATE: 10/01/95		

SB 95 INTRODUCED BY BISHOP, ET AL.
REVISE REQUIREMENTS FOR OBTAINING A HEARING AID TRAINEE
LICENSE

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO BUSINESS & INDUSTRY		
1/16	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/23	HEARING		
1/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	50	0
1/31	3RD READING PASSED	48	0
	TRANSMITTED TO HOUSE		
2/01	FIRST READING		
2/01	REFERRED TO BUSINESS & LABOR		
2/10	HEARING		
2/10	COMMITTEE REPORT—BILL CONCURRED		
2/21	2ND READING CONCURRED	92	4
2/22	3RD READING CONCURRED	96	2
	RETURNED TO SENATE		
2/28	SIGNED BY PRESIDENT		
3/02	SIGNED BY SPEAKER		
3/02	TRANSMITTED TO GOVERNOR		
3/03	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 72		
	EFFECTIVE DATE: 10/01/95		

SB 96 INTRODUCED BY FOSTER, ET AL.
REVISE LAWS RELATING TO TRAFFIC SPEED ZONES

1/11	INTRODUCED
1/11	FIRST READING
1/11	REFERRED TO HIGHWAYS & TRANSPORTATION

SENATE BILL NO. 94

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS GOVERNING WRITE-IN CANDIDATES; REQUIRING AN INDIVIDUAL FILING A DECLARATION OF INTENT FOR A WRITE-IN CANDIDACY TO RECORD A NICKNAME OR INITIALS; REQUIRING THAT ELECTION OFFICIALS COUNT A WRITE-IN VOTE THAT SUFFICIENTLY IDENTIFIES AN INDIVIDUAL; AND AMENDING SECTIONS 13-10-211, 13-10-302, AND 13-15-403, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-10-211, MCA, is amended to read:

"13-10-211. Declaration of intent for write-in candidates. (1) Except as provided in subsection (4), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsection (2), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

- (a) the candidate's name, including a nickname or initials;
- (b) the candidate's mailing address;
- (c) a statement declaring the candidate's intention to be a write-in candidate;
- (d) the title of the office sought;
- (e) the date of the election;
- (f) the date of the declaration; and
- (g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, less than 15 days before the election, a candidate for the office that the write-in candidate is seeking:

- (a) dies;
- (b) withdraws from the election; or

1 (c) is charged with a felony offense.

2 (3) The secretary of state shall notify each election administrator of the names of write-in
3 candidates who have filed a declaration of intent with ~~his office~~ the secretary of state. Each election
4 administrator and school district clerk shall notify the election judges in ~~their~~ the county or district of the
5 names of write-in candidates who have filed a declaration of intent.

6 (4) The requirements in subsection (1) do not apply to a write-in candidate seeking election:

7 (a) as a precinct ~~committeeman or committeewoman~~ officer in a primary election; or

8 (b) to an office for which no candidate has filed a declaration or petition for nomination or a
9 declaration of intent."

10
11 **Section 2.** Section 13-10-302, MCA, is amended to read:

12 **"13-10-302. Write-in votes for previously nominated candidates.** If an elector writes the name of
13 an individual upon a primary party ballot when the individual's name appears as a candidate for the same
14 office on another party ballot, the vote shall count for the individual only as a candidate of the party upon
15 whose ballot ~~his~~ the individual's name is written and the votes cast on the separate party ballots may not
16 be added together. A write-in vote must be counted if the vote sufficiently identifies the individual,
17 including identification by a nickname or initials instead of a first name."

18
19 **Section 3.** Section 13-15-403, MCA, is amended to read:

20 **"13-15-403. Canvass to be public -- nonessentials to be disregarded -- petition for recount.** (1) The
21 canvass ~~shall~~ must be public. It ~~shall~~ must proceed by opening the returns, auditing the tally books or other
22 records of votes cast, determining the vote for each individual and for and against each ballot issue from
23 each precinct, compiling totals, and declaring or certifying the results.

24 (2) The board shall record all write-in votes shown in the returns from each precinct. A write-in
25 vote must be counted if the write-in vote sufficiently identifies an individual by any of the designations filed
26 pursuant to 13-10-211(1)(a).

27 (3) The returns may not be rejected because of failure to show who administered the oath to the
28 election judges, failure to complete all the certificates in a pollbook, or ~~because of~~ failure of any other act
29 making up the returns that is not essential to determine for whom the votes were cast.

30 (4) If during a canvass the board finds an error in a precinct or precincts affecting the accuracy of

1 vote totals, the board immediately may petition for a recount of the votes cast in the precinct or precincts,
2 as provided in 13-16-201, or for an inspection of ballots, as provided in 13-16-420."

3 -END-

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By CHAIRMAN ETHEL HARDING, on January 17, 1995,
at 10:00 AM

ROLL CALL

Members Present:

Sen. Ethel M. Harding, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Mike Foster (R)
Sen. Don Hargrove (R)
Sen. Vivian M. Brooke (D)
Sen. Bob Pipinich (D)
Sen. Jeff Weldon (D)

Members Excused: N/A

Members Absent: N/A

Staff Present: David Niss, Legislative Council
Gail Moser, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB94 SB98
Executive Action: N/A

{Tape: 1; Side: A; Approx. Counter: 54.6}

HEARING ON SB94

Opening Statement by Sponsor:

SEN. LINDA NELSON, Senate District 49, Medicine Lake, said that SB94 is a bill to clarify the procedure for write-in elections. To illustrate the importance of SB94, SEN. NELSON recounted a situation that occurred in Sheridan County concerning a write-in election for County Sheriff and the candidate Galen Marsh. Mr. Marsh won the election by only seven votes, so the opponent asked for a recount. Some voters wrote in only the last name of the candidate, and those votes were counted for the candidate. However, some voters wrote in the last name but a first name that

was not the first name of this candidate who had filed as a write-in candidate. After an opinion by the Secretary of State's office, the recount Board then threw out the votes by last name only, and Mr. Marsh lost the election. Mr. Marsh appealed to the District Court, and it was the opinion of the District Court judge that the recount Board had been right. This case is now going to the Supreme Court. The intent of SB94 is to clear up the ambiguity in the law so it is clear what parts of candidate's names, nicknames, initials, etc., need to be used in order to count votes.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. MIKE FOSTER asked Senator Nelson to clarify if *Mike* would be considered a nickname of *Michael*. SEN. NELSON stated she was not sure how that would be considered. SEN. FOSTER referred to the lines being added on page 2 "*A write-in vote must be counted if the vote sufficiently identifies the individual, including identification by a nickname or initials instead of a first name.*" SEN. FOSTER asked Senator Nelson if this addressed the concern about only the last name of the candidate being written in, does that *sufficiently* identify the individual. SEN. NELSON responded that a last name only would not be acceptable, and that this issue is further clarified by 13-10-211 regarding how the candidate has *filed* to run as a candidate.

SEN. KEN MESAROS asked Senator Nelson for clarification regarding the use of initials. SEN. NELSON responded that a candidate would not likely *file* only with their initials and last name unless they actually use their initials as their name.

SEN. MESAROS asked Senator Nelson to clarify the intent that whenever the name is submitted to appear on a write-in campaign the full name or the name and the initials or however the person is recognizable would be acceptable. SEN. NELSON said that she is open to suggestions on how to make the filing requirement as clear as possible.

SEN. BOB PIPINICH asked Ed Argenbright if candidates have to register their names as they file now, and how it impacts the ballot counting. Ed Argenbright, Commissioner of Political Practices referred the question to Joe Kerwin. Joe Kerwin, the Election Bureau Chief of the Secretary of State's office, stated that a nickname alone would not be counted, and SEN. NELSON added that a candidate certainly would not *file* under a nickname alone.

SEN. DON HARGROVE asked Senator Nelson if there had been consideration of last minute filing by an opponent simply to confuse the issue of who is actually on file as a write-in candidate. SEN. NELSON stated that since write-in candidates have to file no later than 15 days prior to the election, it wouldn't be a last minute problem.

SEN. VIVIAN BROOKE asked Senator Nelson to verify the intent of SB94 is to clarify that, for a write-in election, the writing in of a last name only is not sufficient to be counted.

SEN. NELSON answered that that is exactly what needs to be clarified in the law.

SEN. JEFF WELDON asked Senator Nelson if a voter had written in "Mr. Marsh" would that vote have counted. SEN. NELSON answered no, "Mr. Marsh" would not be counted.

CHAIRMAN ETHEL HARDING commented that in her area, a candidate who was not generally known by his actual name filed under his actual name plus his nickname so that all votes would be counted.

Closing by Sponsor:

SEN. NELSON stated there is clearly a need for SB94.

HEARING ON SB98

Opening Statement by Sponsor:

SEN. MIKE FOSTER, Senate District 20, Townsend, stated that he refers to SB98 as the "campaign reform and integrity act", and it is a constituent bill. SEN. FOSTER explained the new items on page 1 regarding current office holders resigning in order to become a candidate for another office. SEN. FOSTER also explained the exceptions to this new provision.

SEN. FOSTER discussed the change on page 2, lines 2-3. SB98 would discontinue use of a list of registered voters as a jury selection listing and implement the use of a list of licensed drivers (18 and over) in the county. Another option would be to continue using the list of registered voters but add a five-year exemption after jury duty is served once.

SEN. FOSTER stated that the third issue on page 2, line 20, changes the date of the primary election from June to September. The reason for this change comes from complaints from constituents regarding the length and expense of campaigns.

SEN. FOSTER stated he believes this change will also increase voter interest in the primary election.

Tuesday
1-17-95

DATE 01-17-93

SEN:1995
wp.rollcall.man
CS-09

EXECUTIVE ACTION ON SB94

Discussion: David Niss handed out amendments to SB94 (EXHIBIT 3). Mr. Niss explained that amendments 1 and 2 clarify the title of SB94. Amendment 3 amends 13-10-211 regarding the way a candidate files for candidacy, and the remaining amendments tie in Section 2 and Section 3 of the bill to 13-10-211. .

CHAIRMAN HARDING asked for clarification that a candidate must file to run the same way they are registered to vote.

COMMITTEE MEMBERS agreed that is not true.

SEN. MESAROS asked Mr. Niss to clarify a derivative and a diminutive of a name. Mr. Niss explained that a derivative refers to a shortened version of a name, such as Dave is a derivative of David. A diminutive is a word (according to Webster's dictionary) when used to refer to a name of a person, it is indicating a small, almost like a child-type name such as Jackie in place of Jack, or Kenny, in place of Ken, for example.

SEN. WELDON asked that Mr. Niss' explanation be recorded in the meeting minutes to illustrate the Committee's intent regarding derivatives and diminutives.

SEN. FOSTER stated he found a problem with amendment 3 which may require SB94 be tabled. The amendment states a candidate must file using their first and last names, but in "iii" the word "and" is included which would require the candidate to file listing all of the described possibilities.

SEN. BROOKE stated she was concerned by the same issue Senator Foster explained regarding the word "and" in amendment 3, "iii." SEN. BROOKE asked if requiring all possibilities to be filed was the intent of the amendment writer. SEN. BROOKE also asked if the word "and" could be replaced with the word "or."

Mr. Niss stated he had meant to have the words "if any" included in amendment 3 "ii" following "initials." This would provide that a candidate does not have to register under all four possibilities if he only uses his proper first and last name. However, if the candidate does use a diminutive, derivative, nickname, or initials and the write-in ballot is only cast for him in his proper name, that vote may not be counted. The intent was to cast the amendment language so it is the choice of the candidate which possibilities to include when filing.

SEN. BROOKE stated that while the language may seem cumbersome, she would suppose the person who accepts the candidate's filing would explain the possibility that votes may not be counted unless the appropriate forms of their name are included.

SEN. COLE asked Mr. Niss to clarify that adding "if any" after "initials" in amendment 3 - ii would resolve the problem. Mr. Niss said that was his intention.

SEN. WELDON stated he felt the language would be appropriate with the "if any."

Mr. Niss stated that while the structure of this language may appear awkward, it would otherwise be impossible to interpret.

SEN. WELDON clarified that a candidate could file using the guideline in "i", and not use any of the guidelines in "ii", "iii," or "iv."

CHAIRMAN HARDING commented that final counting of ballots would be determined by the way the candidate has filed. SEN. WELDON said that is correct, and this would have satisfied the problem Senator Nelson related regarding the "Marsh" votes.

Motion/Vote: SEN. BROOKE moved TO ACCEPT AMENDMENTS TO SB94 (inserting "if any" after initials in amendment number 3, section ii). The MOTION CARRIED UNANIMOUSLY on oral vote.

Motion/Vote: SEN. BROOKE moved that SB94 DO PASS AS AMENDED. The MOTION CARRIED 6-2 on roll call vote.

DISCUSSION ON SB120

Mr. Niss briefly explained some of the discussion regarding amendments to SB120. CHAIRMAN HARDING stated the Committee will hold SB120 until the amendments are completed.

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
January 25, 1995

MR. PRESIDENT:

We, your committee on State Administration having had under consideration SB 94 (first reading copy -- white), respectfully report that SB 94 be amended as follows and as so amended do pass.

Signed: 
Senator Ethel M. Harding, Chair

That such amendments read:

1. Title, line 6.

Strike: "A NICKNAME OR INITIALS"

Insert: "THE CANDIDATE'S FIRST AND LAST NAMES AND ANY NICKNAME, INITIALS, OR DERIVATIVE OR DIMINUTIVE USED IN PLACE OF A FIRST NAME OR FIRST AND MIDDLE NAMES"

2. Title, line 7.

Strike: "THAT SUFFICIENTLY IDENTIFIES AN INDIVIDUAL"

Insert: "ONLY IF THE VOTE IDENTIFIES THE CANDIDATE BY ANY OF THE PREVIOUSLY FILED NAMES"

3. Page 1, line 19.

Following: "(a)"

Strike: "the candidate's name, including a nickname or initials"

Insert: "(i) the candidate's first and last names;

(ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name.

4. Page 2, line 16.

Strike: "must"

Insert: "may"

Following: "counted"

Insert: "only"

Strike: "sufficiently"

Strike: "L"

5. Page 2, line 17.

 Amd. Coord.

 Sec. of Senate

211350SC.SRF

Strike: "including identification by a nickname or initials
instead of a first name"

Insert: "by any of the designations filed pursuant to 13-10-
211(1)(a)(i) through (1)(a)(iv) "

6. Page 2, line 25.

Strike: "must"

Insert: "may"

Following: "counted"

Insert: "only"

Strike: "sufficiently"

7. Page 2, line 26.

Following: "13-10-211(1)(a)"

Insert: "(i) through (1)(a)(iv) "

-END-

MONTANA SENATE
1995 LEGISLATURE
STATE ADMINISTRATION COMMITTEE
ROLL CALL VOTE

DATE WED 01-25-95 BILL NO. 58394 NUMBER _____

MOTION:

SEN BROOKS MOVES S. 394 TO PASS AS AMENDED

[illegible]

SEN:1995
wp:rlclvote.man
CS-11

Amendments to Senate Bill No. 94
First Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
January 24, 1995

1. Title, line 6.

Strike: "A NICKNAME OR INITIALS"

Insert: "THE CANDIDATE'S FIRST AND LAST NAMES AND ANY NICKNAME,
INITIALS, OR DERIVATIVE OR DIMINUTIVE USED IN PLACE OF A
FIRST NAME OR FIRST AND MIDDLE NAMES"

2. Title, line 7.

Strike: "THAT SUFFICIENTLY IDENTIFIES AN INDIVIDUAL"

Insert: "ONLY IF THE VOTE IDENTIFIES THE CANDIDATE BY ANY OF THE
PREVIOUSLY FILED NAMES"

3. Page 1, line 19.

Following: "(a)"

Strike: "the candidate's name, ~~including~~ a nickname or initials"

Insert: "(i) the candidate's first and last names;

(ii) the candidate's initials used instead of a first name,
or first and middle name, and the candidate's last name;

(iii) the candidate's nickname, if any, used instead of a
first name, and the candidate's last name; and

(iv) a derivative or diminutive name, if any, used instead
of a first name, and the candidate's last name.

4. Page 2, line 16.

Strike: "must"

Insert: "may"

Following: "counted"

Insert: "only"

Strike: "sufficiently"

Strike: "1"

5. Page 2, line 17.

Strike: "including identification by a nickname or initials
instead of a first name"

Insert: "by any of the designations filed pursuant to 13-10-
211(1) (a) (i) through (1) (a) (iv) "

6. Page 2, line 25.

Strike: "must"

Insert: "may"

Following: "counted"

Amendments to SB 94

Amend Page 2, Section 2., Line 25, Following "."
Insert: "Except as provided in 13-10-211(4) A a"

Amend Page 3, Section 3., Line 4, Following "":
Insert: "Except as provided in 13-10-211(4) A a"

Amend Page 3, 'Add new section.

Section 13-15-202, ...

(1)(b) Except as provided in subsection (1)(b), the judges may not count or record write-in votes for candidates who have not filed a declaration of intent as provided in 13-15-201, and a write-in vote may be counted only if the write-in vote identifies an individual by any of the designations filed pursuant to 113-10-211 (1)(a)(I) through (1)(A)(IV). ~~except as provided in subsection (1)(b).~~

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE 2-6-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman			✓
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard			✓
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By VICE CHAIRMAN MATT DENNY, on February 6, 1995,
at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Matt Denny, Vice Chairman (Majority) (R)
Rep. Dore Schwinden, Vice Chairman (Minority) (D)
Rep. Patrick G. Galvin (D)
Rep. Dick Green (R)
Rep. Antoinette R. Hagener (D)
Rep. Harriet Hayne (R)
Rep. Sam Kitzenberg (R)
Rep. Bonnie Martinez (R)
Rep. Gay Ann Masolo (R)
Rep. William Rehbein, Jr. (R)
Rep. George Heavy Runner (D)
Rep. Susan L. Smith (R)
Rep. Carolyn M. Squires (D)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Joe Tropila (D)

Members Excused: Rep. Richard Simpkins (R)
Rep. Matt Brainard (R)

Members Absent: none

Staff Present: Sheri Heffelfinger, Legislative Council
Christen Vincent, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 24, SB 94, SB 37
Executive Action: None

HEARING ON SB 94

Opening Statement by Sponsor:

SEN. LINDA NELSON, SD 49, stated this bill clarifies the
procedure for write-in elections. She stated this is an
important bill. She told a story of what happened in Sheridan

where a person registered as a write-in candidate. Eventually he lost because it was unsure which name the voters used on the ballot. The election administrators instructed the election judges per law that they would have to know without a doubt the intent of the voter. The bill currently requires the candidates to file using their various names such as the first, last, nickname and any others that the person is known by. The intent of the bill is to clear up ambiguity and to not have to rely on opinions, to know the law up-front and to see it in "black and white." This isn't just a local problem and it needs to be addressed. She stated this is a good bill and she had some amendments for the committee to consider.

Proponents' Testimony: none

Opponents' Testimony: none

Informational Testimony:

Joe Kerwin, Election Bureau Chief, Secretary of State's Office, stated the reason for the amendments are to clarify. The bill states the voter has to identify the running candidate in one of several methods. There are certain instances when they need this.

Questions From Committee Members and Responses: none

Closing by Sponsor:

SEN. NELSON closed by stating she hoped the committee would give this a do concur recommendation.

HEARING ON SB 37

Opening Statement by Sponsor:

SEN. AL BISHOP, SD 9, stated section 16, page 9, is what the bill is about. This is a constitutional referendum to be submitted to the people on the November 1996 election ballot to vote whether or not to abolish the Secretary of State's Office and combine with the Lieutenant Governor. He stated this bill is a product of the Governor's Task Force to Renew State Government and is one of their recommendations. In September of 1994 a poll showed about 62.4% of the people were in favor of this. At that time they were thinking of doing away with the office of Lieutenant Governor and having the Governor and the Secretary of State run together as a team. A lot of people didn't like that idea because they believed the office of Lieutenant Governor is the one to succeed to the office of Governor if something were to happen. They amended the bill to eliminate the office of Secretary of State and move all functions into the Lieutenant Governor's office. This is something that many states are doing or are considering doing for many reasons. Some of those reasons

HOUSE OF REPRESENTATIVES

State Administration

ROLL CALL

DATE 2-6-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman			✓
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard			✓
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

Amendments to SB 94

Amend Page 2, Section 2., Line 25, Following "."

Insert: "Except as provided in 13-10-211(4) A a"

Amend Page 3, Section 3., Line 4, Following ":

Insert: "Except as provided in 13-10-211(4) A a"

Amend Page 3, Add new section.

Section 13-15-202, ...

(1)(b) Except as provided in subsection (1)(b), The judges may not count or record write-in votes for candidates who have not filed a declaration of intent as provided in 13-15-201, and a write-in vote may be counted only if the write-in vote identifies an individual by any of the designations filed pursuant to 13-10-211 (1)(a)(I) through (1)(A)(IV). ~~except as provided in subsection (1)(b).~~

EXECUTIVE ACTION ON SB 94

Motion: REP. SAM KITZENBERG MOVED SB 94 DO CONCUR AS AMENDED

Discussion:

Doug Mitchell, Secretary of State's Office, recapped the bill for the committee.

Motion/Vote: REP. GALVIN MOVED THE TECHNICAL AMENDMENTS. Motion carried unanimously with REP. SIMPKINS and REP. SQUIRES voting by proxy.

Vote: Motion carried unanimously with REP. SIMPKINS and REP. SQUIRES voting by proxy.

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-10-95 BILL NO. SB NUMBER 94

MOTION: Depend on the amend by Rep. Kitzenberg

NAME	AYE	NO
Rep. Dick Simpkin, Chairman <i>By</i>	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner <i>By</i>	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <i>By</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

State Administration

DATE 2-10-95 BILL NO. SB NUMBER 74

MOTION: Do Concur in a amendment made by
Rep. Kitzenberg

NAME	AYE	NO
Rep. Dick Simpkin, Chairman <i>By</i>	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority	✓	
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	✓	
Rep. Sam Kitzenberg	✓	
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires <i>By</i>	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	